THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.23731 OF 2006

ORDER:

This Writ Petition is filed challenging the Notification dated 11.08.2006 issued under Section 4(1) of the Land Acquisition Act, 1894 (in short "the Act"), by the 1st respondent-the Collector, Krishna District.

2. It is the contention of the petitioners that the 1st petitioner is the owner of an extent of Ac.0-94 cents and the 2nd petitioner is the owner of an extent of Ac. 0-96 cents situated in R.S.Nos.202/2 and 234/1 of Tarigoppula Village, Ungutur Mandal, Krishna District and they are small farmers, as such the acquisition of the land for the purpose of house sites is contrary to the various guidelines issued by the Government from time to time. Learned counsel for the petitioners places reliance on the judgment of this Court in **Malireddy Rajasekhara Reddy and Others *v.* District Collector, Krishna District and another**[1] to support his contention. It is also further averred that, as a matter of fact, on earlier occasion the then Tahasildar, Gannavaram, vide report dated 20.03.1985, had found this land as not suitable for house sites and proposed withdrawal of the land acquisition proceedings initiated earlier on 07.06.1984. Once again it is only at the instance of the people, who are inimical to the petitioners on account of their political affluences, the land of the petitioners is included for the purpose of acquisition.

3. Though this writ petition is of the year 2006 no counter affidavit is filed. However, learned Government Pleader had placed on record the communication received from the office of the Revenue Divisional Officer, Nuzvid-2nd respondent, as per which

[1] 2006 (2) ALD 564

what has been stated is the land is needed for providing house sites to weaker sections under Janma Bhoomi programme. Except stating that the land is required for distribution of house sites under Janma Bhoomi programme nothing has been stated. The instructions are also silent with respect to whether any Award has been made, whether any declaration under Section 6 of the Act has been made in the present case. This Court while admitting the writ petition on 15.11.2006 had granted interim stay as prayed for. The fact of the matter is that as of date Act 1 of 1894 is repealed and the pending acquisition proceedings are saved only to the limited extent. In the case on hand, there is no Award made and there is also no declaration made under Section 6 of the Act, as is evident from the instructions of the Revenue Divisional Officer, Nuzvid. In the circumstances, it is futile to continue the land acquisition proceedings under the impugned notification.

4. Accordingly, the writ petition is allowed setting aside the impugned notification dated 11.08.2006 issued under Section 4(1) of the Act. However, in view of the assertion of the respondents, if the land is required for house sites, liberty is given to the respondent authorities to initiate appropriate land acquisition proceedings in terms of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act. 2013. There shall be no order as to costs.

5. Consequently, the Miscellaneous Petitions pending, if any, shall also stand closed.

CHALLA KODANDA RAM, J

Date:12.07.2017.
Ssv